



Application GRANTED. The application is untimely but is nevertheless granted. Plaintiff shall file the amended complaint by **June 9, 2020**. Plaintiff shall file proof of service of the amended complaint on the docket by **June 19, 2020**.

The initial pretrial conference, scheduled for June 11, 2020, is ADJOURNED to **July 16, 2020, at 10:40 a.m.**

No more extensions will be granted absent extraordinary circumstances.

Dated: June 5, 2020
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: Tatum Rios v. Kickoff USA, Inc.. 1:20-cv-02245 (LGS)

Dear Judge Schofield:

This firm represents the Plaintiff in the above-referenced website inaccessibility case under Title III of the Americans with Disabilities Act, and its state and city analogs. We write now to respectfully request a second adjournment of the Initial Pretrial Conference, currently scheduled for June 11, 2020 at 10:40am (Dkt. 8), as well as to request leave to amend the Complaint.

We served Defendant with the Summons and Complaint in this matter via the Secretary of State on April 6, 2020. (Dkt. 10). To date, we have not heard from Defendant or its counsel and no Answer or Appearance has been filed. Being mindful that there is often a delay in a Defendant learning of service via the Secretary of State, and that such delays have only increased with the Covid-19 pandemic, we have attempted to contact the Defendant directly via email. During one such attempt, we learned of a typo in the Complaint that needs to be corrected. Specifically, the Complaint inadvertently identifies Defendant's website, the gravamen of this case, as sundek.com, rather than sundek.us. Sundek.com is a site that, on information and belief, is owned and operated by an entity wholly unrelated Defendant. Accordingly, Plaintiff respectfully requests leave to amend the complaint to correct this error. This is Plaintiff's first request for leave to amend the Complaint.

As Defendant has not yet appeared in the case, Plaintiff further requests a 30-day adjournment of the Initial Pretrial Conference to facilitate the aforementioned amendment and service of the Amended Complaint on Defendant. This is Plaintiff's second request for an adjournment of the Initial Pretrial Conference. This Court previously granted Plaintiff's initial adjournment request, rescheduling the Initial Pretrial Conference from May 14, 2020 to June 11, 2020. (Dkt 8).



The Honorable Lorna G. Schofield

June 5, 2020

Page 2 of 2

We thank the Court for its time and attention to this matter.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
Christopher H. Lowe